IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 862 of 2005

DATE OF DECISION: November 11, 2011

Paramjit & another .....Petitioners

VERSUS

State of Punjab ....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

PRESENT: Mr. JBS Gill, Advocate
for the petitioners.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab
for the State.

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RANJIT SINGH, J.

This revision .has been filed by Paramjit Singh and Ram Ji Dass to impugn their conviction for an offence under Section 353 IPC, for which they were imposed a punishment of 6 months rigorous imprisonment in addition to fine of ₹500/-. The petitioners were to undergo rigorous imprisonment for 7 days in default of payment of fine.

The petitioners were stopped by the Deputy DFO Dasuya and questioned to show permit in respect of the wood loaded in the truck. The petitioners evaded to answer and subsequently, started giving abuses. They allegedly grappled with the DFO also. On this basis, FIR was lodged leading to the conviction and sentence as imposed.

Counsel for the petitioners submits that petitioner-Paramjit Singh has undergone a period of 1 month and 17 days out

of the rigorous imprisonment of 6 months as imposed. Petitioner No.2-Ram Ji Dass has also undergone the similar custody period. Counsel submits that it is an old case and the incident is of 31.12.1997. The petitioners were tried and convicted on 17.12.2002. Their appeal was decided on 29.3.2005 and since then, the present petition is pending. As per the counsel, no purpose would be served making the petitioners to undergo the sentence and he accordingly, pleads for leniency. Counsel submits that the petitioners have learnt their lesson and would not ever indulge in such activity or action in future. They will always respect the law and the public servant.

Since the petitioners have shown repentance, a case for showing some leniency is made out. Requiring the petitioners now to undergo the remaining sentence would hardly serve any purpose instead may retard the efforts to reform themselves and be a good member of the society. The petitioners will have to remain in the company of hardened criminals. No other purpose may be achieved by sending the petitioners in custody. Considering the totality of the circumstances and having regard to the allegations made, a case is made out for reducing the sentence imposed to the period already undergone. The revision petition is, accordingly, allowed to this limited extent. Otherwise, the revision shall stand dismissed on merits.

November 11, 2011 (RANJIT SINGH)
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